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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,217	02/15/2002	John A. Obermark	501396	3946

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EXAMINER

LAMB, BRENDA A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 07/15/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,217

Applicant(s)

Obermark

Examiner

LAMB

Group Art Unit

1734

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 3/29/02, 10/7/02 and 10/9/02
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-51 is/are pending in the application.
- ☒ Of the above claim(s) 1-45 is/are withdrawn from consideration.
- ☒ Claim(s) 1-45 is/are allowed.
- ☒ Claim(s) 46-51 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2 and 4
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit: 1734

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 46-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caffrey et al.

Caffrey et al teaches the design of a coating apparatus comprised of a roller coater having an application roller which supplies a controlled amount of oil coating to the applicator roll, a control valve having a input of coating and having at least two different positions corresponding to different output flows, manifold and means for modulating the valve between two different positions to set an application rate (see column 2, line 21 to column 3, line 14). Caffrey fails to teach the end use of his apparatus for coating a metal strip. However, it would have been obvious to use the Caffrey apparatus to coat a variety of substrates including a metal strip absent a clear showing of unexpected results. Further, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitation. Ex. Parte Masham, 2 USPQ 2d 1647 (1987). With respect to claim 47, Caffrey teaches a controller in electronic communication with the dispensing valve. Caffrey et al fails to teach the valve is a solenoid valve but obvious to use any known controllable valve including a solenoid valve absent a clear showing of unexpected results to dispense coating onto the application roll. With respect to claim 49, the

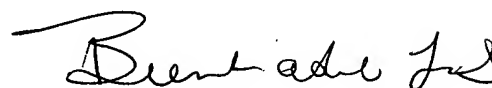
Art Unit: 1734

recitation that the electronic controller compensated for the heads which are turned to the off-state has been interpreted as meaning the electronic controller turns select heads on in order compensate for select head turned off thereby providing a desired pattern. In this regard, Caffrey et al teaches that the dispensing heads are selectively turned on and off to apply coating in a pattern thereby reading on the limitations set forth in claim 49. With respect to claims 50-51, Caffrey et al shows the dispensing heads apply coating to outer surface of the applicator roll and have a cylindrical recess for receiving the applicator roll and each dispensing head having an elongated outlet port adapted to apply coating to the applicator roll over a span covered by the dispensing head (see figures 4-5). With respect to claim 48, Caffrey et al shows shut-off valves having on and off states for selectively applying laminate to the head such that selected heads can be operated.

Claims 1-45 are allowed.

Any inquiry concerning this communication should be directed to Brenda Lamb at telephone number 703-308-2056. The examiner can normally be reached on Monday and Wednesday through Friday with alternate Tuesdays off.

Brenda A. Lamb/mn
June 17, 2003



BRENDA A. LAMB
PRIMARY EXAMINER